

COMMONWEALTH OF MASSACHUSETTS
State Building Code Appeals Board
Board's Ruling on Appeal¹

Docket No. 08-613

Appellant(s): Joseph Abbondanza vz. Appellee(s): City/Town of Everett
James C. Sheehan

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant requested that the Board grant him a variance from 780 CMR 110.1, 110.7, 1014.6.4, 1014.6, of the Massachusetts State Building Code (MSBC) for 195 Main Street, Everett, MA, a.k.a. Abbondanza's Restaurant. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on August 7, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

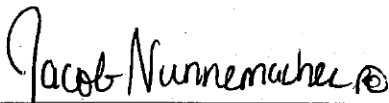
The Appellant appeared for the hearing *pro se*. James C. Sheehan and others were present also; the sign-in sheet is on file at the Department of Public Safety.

Discussion

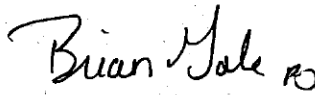
A motion was made to grant the Appellant's request for a variance from 780 CMR 110.1, 110.7, 1014.6.4, 1014.6, of the MSBC contingent upon a 'caution' sign placed or padding applied to protect against injury from incidental contact at the low headroom (6' 2") location at the stairway landing. The motion also granted a variance to use a spiral stair 28 ½" wide and that the riser height of 7 ¼" to 7 ½" is allowed on the other stairs that were refurbished. Jacob Nunnemacher noted that this new basement area may be windowless and not meet code requirement, but this was not under board review at this time. The board vote was 2 in favor to 1 (Jacob Nunnemacher) opposed.

Conclusion

The Appellant's request for a variance, as described in the above Discussion, from 780 CMR 110.1, 110.7, 1014.6.4, 1014.6, is hereby granted and so ordered² on this date: August 7, 2008.



Jacob Nunnemacher



Brian Gale



Alexander MacLeod

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

² In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.